

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MATTHEW HUSKEY

PLAINTIFF

v.

No. 1:17CV140-SA-JMV

MARSHALL FISHER, ET AL.

DEFENDANTS

ORDER DISMISSING FOOD CONTAMINATION CLAIMS

This matter comes before the court after additional briefing regarding the plaintiff's claims that prison staff have been contaminating his food or permitting other inmates to do so. As the Magistrate Judge noted in her Report and Recommendation, “[i]t is not clear from Mr. Huskey's allegations which defendants he believes contaminated his food.” For that reason, the Magistrate Judge allowed 28 days for Mr. Huskey to provide the court with the names of the people he believes are responsible for contaminating his food. In response to the court's order adopting the Report and Recommendation, Mr. Huskey conceded, “I've seen none of the defendants personally do anything to my food.” He alleges, instead, that he believes that his food is contaminated and has “notified the following defendants, Commissioner Fisher, Superintendent Lee, Warden Morris, Captains Munford and Jones, … Officer Hope … [and] Juan Santos” about the contamination. He states that none of these defendants has taken action to prevent further contamination of his food.

He also states that he has been examined through x-rays and blood tests, and prison medical staff determined that he had a “bug,” a bacterial infection which medical staff treated with antibiotics. He also states that when he tells medical staff about his concerns regarding food contamination, they regularly refer him for psychological evaluation.

As the court held in adopting the Magistrate Judge's Report and Recommendation, “The likelihood of these problems [food contamination] following him from facility to facility is

vanishingly small.” The court still holds this opinion. As the plaintiff alleged has alleged no facts to aid the court in identifying defendants who might have contaminated his food – or permitted others to do so – Mr. Huskey’s claims regarding food contamination are **DISMISSED**.

SO ORDERED, this, the 11th day of April, 2018.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE